

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

FILED
CHARLOTTE, NC

AUG 19 2015

US DISTRICT COURT
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA,	)	DOCKET NO. 5:15CR15-RLV
)	
	)	<u>SECOND SUPERSEDING</u>
	)	<u>BILL OF INDICTMENT</u>
vs.	)	UNDER SEAL
)	
	)	Violations:
(1) STEVEN W. CHASE	)	18 U.S.C. § 2252A(g)
(2) MICHAEL FLUCKIGER	)	18 U.S.C. §§ 2251(d) and (e)
(3) DAVID LYNN BROWNING	)	18 U.S.C. § 2251(d)
	)	18 U.S.C. § 2252A(a)(1)
Defendants.	)	18 U.S.C. § 2252A(a)(5)(b)

THE GRAND JURY CHARGES:

COUNT ONE

Between on or about August 19, 2014 and March 4, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(1) STEVEN W. CHASE
(2) MICHAEL FLUCKIGER
(3) DAVID LYNN BROWNING

did knowingly engage in a child exploitation enterprise, that is, STEVEN W. CHASE, MICHAEL FLUCKIGER & DAVID LYNN BROWNING violated Chapter 110 of Title 18 of the United States Code, as a part of a series of felony violations constituting three or more separate incidents and involving more than one minor victim, which offenses include those described in Counts Three through Thirteen of this Indictment, incorporated herein, and committed those offenses in concert with three or more other persons.

All in violation of Title 18, United States Code, Section 2252A(g).

COUNT TWO

Between on or about August 19, 2014 and March 4, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

- (1) STEVEN W. CHASE**
- (2) MICHAEL FLUCKIGER**
- (3) DAVID LYNN BROWNING**

did knowingly conspire to make, print, and publish, and cause to be made, printed, and published, any notice and advertisement seeking and offering to receive, exchange, buy, produce, display, distribute, and reproduce, any visual depiction, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct; and participation in any act of sexually explicit conduct by and with any minor for the purpose of producing a visual depiction of such conduct; knowing and having reason to know that such notice and advertisement would be transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and such notice and advertisement was transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2251(d) and (e).

COUNT THREE

Between on or about August 19, 2014 and March 4, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

- (1) STEVEN W. CHASE**
- (2) MICHAEL FLUCKIGER**
- (3) DAVID LYNN BROWNING**

did knowingly make, print, and publish, and cause to be made, printed, and published, any notice and advertisement seeking and offering to receive, exchange, buy, produce, display, distribute, and reproduce, any visual depiction, the production of which visual depiction involved the use of a minor engaging in sexually explicit conduct and such visual depiction was of such conduct; and participation in any act of sexually explicit conduct by and with any minor for the purpose of producing a visual depiction of such conduct; knowing and having reason to know that such notice and advertisement would be transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and such notice and advertisement was transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2251(d).

COUNT FOUR

On or about February 1, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(1) STEVEN W. CHASE

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT FIVE

On or about October 12, 2014, in Caldwell County, within the Western District of North Carolina and elsewhere,

(1) STEVEN W. CHASE

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT SIX

On or about September 26, 2014, in Caldwell County, within the Western District of North Carolina and elsewhere,

(1) STEVEN W. CHASE

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT SEVEN

Between on or about August 19, 2014 and February 17, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(1) STEVEN W. CHASE

knowingly possessed any film, videotape, computer disk, and any other material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that involved a minor who had not attained 12 years of age, and that has been mailed, and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

COUNT EIGHT

On or about February 3, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(2) MICHAEL FLUCKIGER

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT NINE

On or about December 23, 2014, in Caldwell County, within the Western District of North Carolina and elsewhere,

(2) MICHAEL FLUCKIGER

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT TEN

On or about November 19, 2014, in Caldwell County, within the Western District of North Carolina and elsewhere,

(2) MICHAEL FLUCKIGER

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT ELEVEN

On or about January 20, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(3) DAVID LYNN BROWNING

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT TWELVE

On or about January 24, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(3) DAVID LYNN BROWNING

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

COUNT THIRTEEN

On or about February 5, 2015, in Caldwell County, within the Western District of North Carolina and elsewhere,

(3) DAVID LYNN BROWNING

knowingly transported and shipped, using any means and facility of interstate and foreign commerce, and in and affecting interstate and foreign commerce by any means, including by computer, any child pornography, as defined in Title 18 United States Code Section 2256(8)(A).

All in violation of Title 18, United States Code, Section 2252A(a)(1).

SPECIAL ALLEGATION AS TO DEFENDANT MICHAEL FLUCKIGER

The allegations contained in Counts Two, Three, Eight, Nine and Ten of this Indictment are hereby re-alleged and incorporated by reference. The Grand Jury further alleges that between on or about June 18, 1993 and July 18, 1993, in Jay County, Indiana, MICHAEL FLUCKIGER, defendant herein, was convicted and sentenced for a violation of Indiana Code Section 35-42-4-3, Child Molesting, a law of the State of Indiana. Accordingly, at the time MICHAEL FLUCKIGER, defendant herein, committed the crimes alleged in Counts Two, Three, Eight, Nine and Ten of this Indictment, the defendant had a prior conviction under the laws of the State of Indiana relating to aggravated sexual abuse, sexual abuse, and abusive sexual contact involving a minor or ward, as defined in Title 18, United States Code, Sections 2251(e) and 2252A(b)(1).

NOTICE OF FORFEITURE AND FINDING OF PROBABLE CAUSE

Notice is hereby given of 18 U.S.C. § 2253. The following property is subject to forfeiture in accordance with Section 2253:

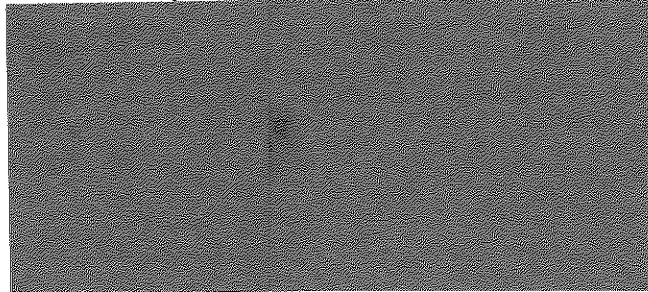
- a. Any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such depiction, which was produced, transported, mailed, shipped, or received as a result of the violations set forth in this bill of indictment;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from proceeds of the violations;
- c. Any property, real or personal, used or intended to be used to commit or promote the violations; and

- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), or (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a), (b), and (c).

The Grand Jury finds probable cause that the following property is subject to forfeiture on one or more of the grounds set forth above:

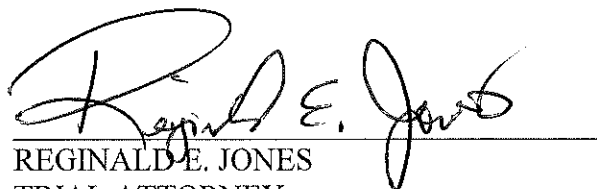
1. The real property at 3570 15th Avenue SW, Naples, Florida.

A TRUE BILL



JILL WESTMORELAND ROSE
ACTING UNITED STATES ATTORNEY


CORTNEY RANDALL
ASSISTANT UNITED STATES ATTORNEY


REGINALD E. JONES
TRIAL ATTORNEY